HONOURABLE SRI G.S. SINGHVI, THE CHIEF JUSTICE

AND

HON'BLE SRI JUSTICE C.Y. SOMAYAJULU

WRIT APPEAL No.2445 OF 2005

Between:

Madina Educational Society's SNBTM College of
Education for Women, Rep. by its Correspondent

.. Appellant

AND

State of Andhra Pradesh,
Rep. by its Secretary,
School Education & 3 others.

.. Respondents

::COMMON JUDGMENT::

Counsel for the Appellants :Mr. Ch. Samson Babu
Counsel for the Respondents :G.P. for Education

14th December, 2005

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Per G.S. Singhvi, CJ

Feeling aggrieved by the order of the learned Single Judge who dismissed W.P. Nos.24197 and 24276 of 2005 filed by the appellants for quashing communication dated 20-09-2005 sent by Regional Joint Director of School Education, Guntur-3rd respondent refusing permission to the appellants for conversion of methodologies in the context of admission of candidates against 85% quota meant for minority candidates, the appellants have filed these appeals under Clause 15 of the Letters Patent.

The appellants are private minority educational institutions. In terms of G.O.Ms.No.26 dated 3-2-2005, the appellants were entitled to fill up 55% seats from minority candidates. This quota was subsequently enhanced to 85%. In terms of Clause 6 (c) of G.O.Ms.No.26, the management of the minority educational institutions were permitted to admit minority candidate of one methodology into vacant seat of another methodology. It, however, appears that due to non-availability of sufficient number of eligible candidates of minority, the management of the appellants could not fill in the seats earmarked against 85% quota. Therefore, they filed writ petitions for directing the respondents to allow them to fill up the vacant seats from among non-minority candidates.

The learned Single Judge dismissed the writ petitions by observing that G.O.Ms.No.26 does not authorize the management of the minority educational institutions to admit non-minority candidates belonging to different methodologies.

At the commencement of hearing, we enquired from the learned counsel for the appellants as to when the
B.Ed. course commenced and what is its duration.

In reply, Mr. Ch. Samson Babu, learned counsel for the appellants, fairly stated that the total duration of the course is 12 months and that the course had commenced in the month of April, 2005.

In view of the statement made by the learned counsel for the appellants, it is clear that even if the Court is to pronounce on the legal issue raised in these appeals in favour of the appellants, no effective relief can be given to them because the students who may be admitted by conversion of methodologies in respect of the left over seats of 85% quota will not be able to complete the course.

In view of the above, the appeals are dismissed leaving it open to the appellants to raise the issue of conversion of seats and change of methodology in the next academic session,
if any such contingency arises.

However, it is made clear that this order shall not prejudice the cause of the students, who are said to have filed appeals and in whose favour interim orders have been passed by the Court allowing them to continue their studies.

G.S. SINGHVI, C.J.

C.Y. SOMAYAJULU, J

December 14, 2005

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